

IN THE SUPREME COURT OF APPEALS

STATE OF WEST VIRGINIA

OFFICE OF DISCIPLINARY COUNSEL,

Petitioner,

vs.

NO. 16-0156

KEVIN C. DUFFY, a member

of the West Virginia State Bar,

Respondent.

**RESPONSE TO PETITION SEEKING SUSPENSION
OF ATTORNEY PURSUANT TO THE RULES OF
LAWYER DISCIPLINARY PROCEDURE**

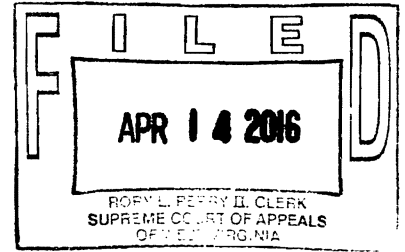
Kevin C. Duffy, (WVBN 7276), Pro Se

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NOW COMES the Respondent, Kevin C. Duffy, *pro se*, and responds as follows to the petition filed by Renee N. Frymyer, Lawyer Disciplinary Counsel:

1. Respondent admits the statement contained in Paragraph 1 of the Petition.

2. Respondent admits the statement contained in Paragraph 2 of the Petition.

3. Respondent admits that the Petition contains an accurate summary of the investigative report filed by the Westlake Police Department.

4. Respondent admits the statement contained in Paragraph 4 of the Petition.

5. Respondent admits the statements contained in Paragraph 5 of the Petition¹.

6. Respondent admits the statement contained in Paragraph 6 of the Petition and states that such a finding is standard in the Rocky River Municipal Court when one is charged with Operating a Vehicle Under the Influence (OVI).

7. Respondent admits the statements contained in Paragraph 7 of the Petition, and further states that Respondent pled no contest to a charge of Hit/Skip private property and the charge of ACDA (Assured Clear Distance Ahead) was dismissed. Respondent further states that his automobile insurer paid the claim related to the damages to property.

8. In response to Paragraph 8, Respondent states that he did inform Judge Alsop on February 2, 2016 that his vehicle was broken down and he was seeking repairs because of a problem with the alternator. This was true. Respondent's vehicle was impounded on February 5, 2016 and was released, to the best of Respondent's recollection (although he is unable to locate the receipt related to the release of the vehicle) on February 8, 2016 and taken directly to a mechanic for repairs to the alternator; the problem was actually the tension on a belt driving the alternator. Respondent further states that during the month he has suffered pouchitis related to the total proctocolectomy with ileal-anal pouch surgery he underwent in 2004 and was treated with high doses of Flagyl and Ciprofloxacin.

¹ A *capias* was issued on February 11, 2016, and it was withdrawn on February 12, 2016.

9. Respondent admits the statement contained in Paragraph 9 of the Petition.

10. Based upon information and belief, Respondent states the Petitioner may not have known Respondent's whereabouts as Petitioner states in Paragraph 10 of the Petition.

11. Respondent admits the statement contained in Paragraph 11 of the Petition.

12. In response to Paragraph 12, Respondent admits his absence was a hardship to his clients and that Respondent's actions and inactions were not consistent with the duty of a lawyer to his or her client's, Respondent's clients received adequate protection from the actions of Judge Alsop and the Circuit Court of Clay County, West Virginia.

13. Respondent admits the statement contained in Paragraph 13 of the Petition.

14. Respondent denies that Rules 8.4(b) and 8.4(c) and notes that the charge of Theft has been resolved through a plea of guilty to "disorderly conduct" in the Rocky River Municipal Court and the charge of OVI has been resolved through a plea of guilty in the same court, both having been entered on April 5, 2016. Respondent states that he has, through his action and inactions engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct.

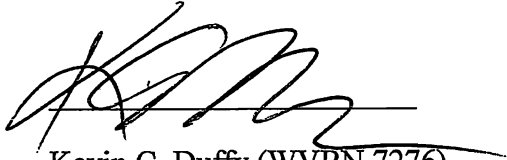
15. Respondent admits the statement contained in Paragraph 15 of the Petition.

16. Respondent admits the statement contained in Paragraph 16 of the Petition.

17. Respondent admits there is sufficient evidence to find that he has violated Rule 8.4(d) of the Rules of Professional Conduct. Respondent denies that he poses a substantial threat of irreparable harm to the public.

WHEREFORE, the Respondent requests this Court to enter permit this matter to be addressed by the Hearing Panel Subcommittee prior to ruling on the relief requested in the Petition for Suspension filed in this Court.

Respectfully Submitted,



Kevin C. Duffy (WVBN 7276)

28276 Center Ridge Road

Westlake, OH 44145

CERTIFICATE OF SERVICE

I, Kevin C. Duffy, hereby certify that on this the ^{8th} 7th day of April, 2016, I served true copies of the foregoing Response to Petition Seeking Suspension of Attorney Pursuant to the Rules of Lawyer Disciplinary Procedure upon the following persons by placing the same in the facilities of the U. S. Mail, first-class postage prepaid, and addressed as follows:

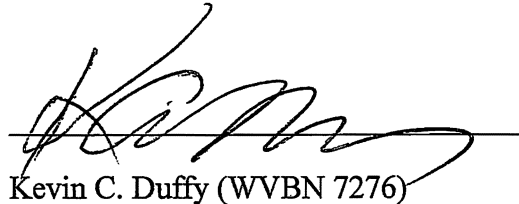
Renee N. Frymyer, Lawyer Disciplinary Counsel, Office of Disciplinary Counsel, City Center East, Suite 1200C, 4700 MacCorkle Avenue SE, Charleston, WV 25304

Kelly D. Ambrose, Esq., Office of the Staff of the Judge Advocate, 1703 Coonskin Drive, Charleston, WV 25311

Jay T. McCamic, Esq., 56-58 Fourteenth Street, Wheeling, WV 26003

Jon Blair Hunter, 1265 4-H Camp Road, Morgantown, WV 26508

Rory Perry, II, Clerk, State Capitol, Room E-317, 1900 Kanawha Boulevard, Charleston, WV 25405



Kevin C. Duffy (WVBN 7276)